

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 08CR0286-BTM
)
Plaintiff,)
) **CERTIFICATE OF SERVICE**
vs.)
)
BEN CUNNINGHAM,)
)
Defendant.)

I am employed in the County of San Diego, State of California. I am over the age of 18 years, and not a party to the within action. My business address is:

550 West "C" Street, Suite 1670
San Diego, CA 92101

On September 15, 2008, I served the foregoing document described below as:

ACKNOWLEDGMENT OF NEW COURT DATE

By the following method:

() **BY MAIL**

By mailing (by first class mail, post prepaid) copies to all parties by delivering a true copy thereof enclosed in a sealed envelope to a representative of the U.S. Post Office.

() **BY FACSIMILE AND MAIL**

I declare that I served the above named documents by faxing the documents during usual office hours and thereafter mailing (by first class mail, post prepaid) copies to all parties by delivering a true copy thereof enclosed in a sealed envelope to a representative of the U.S. Post Office.

The fax number I used (sent to) is listed below and the facsimile machine I used reported no error.

(X) **BY PERSONAL SERVICE** I placed a true copy of the above documents in a sealed envelope clearly labeled to identify the attorney for the party being served, and personally delivered by hand leaving a copy with the receptionist or other person in charge at the office of each address named below.

Received in their stead: _____ at:

(X) CM/ECF

Electronic filing with the Office of the Clerk, United States District Court,
Southern District of California

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

Executed on September 15, 2008, at San Diego, California.

/S/ MICHAEL J. MESSINA